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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DEREK L. BLANKS,

9 Petitioner,

10 v.

11 TIMOTHY WENGLER, et al.,

12 Respondents.
13

Case No. C08-5543BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation of the
15 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 22). The Court having
16 considered the Report and Recommendation, Plaintiff's failure to file objections, and the
17 remaining record, does hereby find and order:

- 18 (1) The Court adopts the Report and Recommendation; and
19 (2) This action is **DISMISSED** because Petitioner has chosen to return to state
20 court to exhaust some of his federal habeas claims.

21 DATED this 26th day of May, 2009.

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25 BENJAMIN H. SETTLE
26 United States District Judge
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ORDER